Supplemental Reply Brief
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).
Dated: April 26, 2010 Signature: Donna Dobson
(Donna Dobson)

Docket No.: 61135/P019US/10303184
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Craig Ogg

Application No.: 10/677,619 Confirmation No.: 8929

Filed: October 2, 2003 Art Unit: 3628

For: SYSTEM AND METHOD FOR HIGH-SPEED POSTAGE APPLICATION MANAGEMENT Examiner: T. S. Joseph

SUPPLEMENTAL REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

This Reply Brief is filed within two (2) months of the Supplemental Examiner's Answer dated February 26, 2010, and is in furtherance of the Appeal Brief filed on May 8, 2009, the Examiner's Answer dated August 20, 2009 and the Reply Brief filed October 15, 2009.

No fee is required for this REPLY BRIEF.

This brief contains items under the following headings pursuant to M.P.E.P. § 1208:

I. Status of Claims
II. Grounds of Rejection to be Reviewed on Appeal
III. Argument
IV. Conclusion

I. STATUS OF CLAIMS

The status of claims remains as identified in the Appeal Brief submitted May 8, 2009 which is as follows:

A. Total Number of Claims in Application

There are 19 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 8, 13, and 21
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1-7, 9-12, 14-20, and 22
4. Claims allowed: None
5. Claims rejected: 1-7, 9-12, 14-20, and 22

C. Claims on Appeal

The claims on appeal are claims 1-7, 9-12, 14-20, and 22.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

With the addition of the new rejection set forth by Appellee in the Examiner's Answer and repeated in the Supplemental Examiner's Answer, the grounds of rejection to be reviewed remain as identified in the Appeal Brief submitted May 8, 2009, which are as follows:

A. Claims 1-7, 9-12, 14-20, and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

B. Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,742,878 to Freeman et al. (hereinafter "Freeman"), in view of U.S. Patent Publication No. 2001/0042052 to Leon (hereinafter "Leon").

C. Claims 2 and 5-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of Leon in further view of U.S. Patent No. 5,612,888 to Chang et al. (hereinafter "Chang").

D. Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of Leon in further view of U.S. Patent No. 6,041,569 to Freeman (hereinafter "Freeman 2").

E. Claims 3-4 and 9-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of Leon in further view of U.S. Patent No. 6,173,274 to Ryan, Jr. (hereinafter "Ryan").

F. Claims 11-12, 15-16 and 18 are rejected under 35 U.S.C. § 103(a) as being anticipated by Ryan in view of Freeman in further view of Leon.

G. Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan in view of Freeman in further view of Leon and U.S. Patent No. 5,079,714 to Manduley et al. (hereinafter "Manduley").

H. Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan in view of Freeman in further view of Leon and Chang.

I. Claim 19 is rejected under 35 U.S.C. § 103(a) as being anticipated by Ryan in view of Freeman in further view of Leon and U.S. Patent Publication No. 2004/0088267 to Rasmussen et al. (hereinafter "Rasmussen").

J. Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan in view of Freeman in further view of Leon and Rasmussen, and Official Notice as supported by U.S. Patent No. 5,468,945 to Hugget et al. (hereinafter "Hugget").

K. Claim 22 is rejected under 35 U.S.C. § 103(a) as being anticipated by Ryan in view of Freeman in further view of Leon and Rasmussen.

III. ARGUMENT

Appellant notes that Appellee has substantially maintained the reasoning set forth in past actions, which have already been addressed by the Appeal Brief. As such, for the sake of brevity the arguments in this Reply Brief do not repeat the arguments presented in the Appeal Brief. Instead, this Reply Brief addresses specific assertions and issues raised by the Examiner's Answer and repeated in the Supplemental Examiner's Answer. Appellant further notes that in the Supplemental Examiner's answer, Examiner only changes the quotations of the present claims to reflect the claims as amended. Appellant's previous arguments assumed the correct claim language, and as such, the previous analysis submitted by Appellant remains applicable. Therefore, Appellant resubmits the arguments of the previous Reply Brief herein in order to assure that a complete response is before the Board.

In the Examiner's Answer, Appellee maintains the previously asserted rejections under 35 U.S.C. § 112 and adds an additional antecedent basis rejection to claims 1 and 11. The claims, as recited, clearly point out and distinctly claims the subject matter regarded as the invention. As indicated in the Appeal Brief, claim 1 states that the high-speed processing system transfers "a plurality of mail pieces." Postage is calculated for "each individual mail piece of said plurality of mail pieces," which clearly refers to the above-recited plurality of mail pieces. The postage computing device is operable to generate indicia for "a mail piece of said plurality of mail pieces" (which clearly refers to one of the above-recited "plurality of mail pieces") in parallel with "the mail piece of said plurality of mail pieces" being physically created and processed. The recitation "the mail piece" clearly refers back to the recitation of "a mail piece."

Appellee's new ground of rejection states that the recitation on line 7 in claim 1 shown above of "the mail piece" lacks antecedent basis. However, as shown above, the recitation of "the mail piece of said plurality of mail pieces" clearly refers back to the recited "a mail piece of said plurality of mail pieces." Any different reading of this claim language must necessarily ignore long-established claim interpretation methods that have been consistently implemented by the USPTO. Appellant notes that Appellee has made similar mistakes in the rejection of independent claim 11, such mistakes are outlined in the Appeal Brief.

Accordingly, when the claim language is viewed as a whole, there can be no alternative reasonable interpretation for the meaning of this claim other than the one set forth by Appellant above. As such, Appellant submits that the present rejection under 35 U.S.C. § 112 should be overturned.

Appellant notes that a § 112 rejection of claim 19 was also argued in the Appeal Brief because it was unclear whether the Examiner had maintained a previous rejection. Appellee neither addressed Appellant's argument, nor reiterated a rejection of this claim in the Supplemental Examiner's Answer. As such, Appellant presumes that the rejection of claim 19 under 35 U.S.C. § 112 has been withdrawn.

Additionally, on pages 17-18 of the Supplemental Examiner's Answer, Appellee merely argues that the cited references teach the "interpreted" claim language. This "interpreted" claim language, as shown above and in the Appeal Brief, fails to address the actual claim language and limitations at issue in the present case. As such, Examiner's current analysis of the art (and corresponding rejections) bears no relevance on the actual claims, thereby obviating each rejection under 35 U.S.C. § 103. When the claims are properly interpreted and proper weight and meaning is given to the limitations of the claims, the cited art fails to teach many limitations set forth in the present claims. Arguments in this regard have been presented in the Appeal Brief at pages 10-17, and therefore they will not be reiterated herein.

IV. CONCLUSION

In light of the failure of Appellee to adequately address the recited limitations in the claims, and in light of the misapplication of the cited art which is, as a result of Appellee's failure to properly read the claims, Appellant respectfully requests that the rejections of the present case be overturned.

Appellant believes no fee is due with this response. Please charge any fees required or credit any overpayment to Deposit Account No. 06-2380, under Order No. 61135/P019US/10313184 during the pendency of this Application pursuant to 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Dated: April 26, 2010

Respectfully submitted,

By _____

R. Ross Viguet
Registration No.: 42,203
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8185
(214) 855-8200 (Fax)
Attorney for Appellant